

Message Text

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PAGE 01 STATE 236986

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ORIGIN EB-07

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----- 124276

P 241242Z SEP 76

FM SECSTATE WASHDC

TO AMEMBASSY BELGRADE PRIORITY

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E.O. 11652: N/A

TAGS: EAIR, YO

SUBJECT: CIVAIR: PAN AM OPERATING PERMIT

REF: A) BELGRADE 5736; B) STATE 199552; C) STATE 212506;

D) BELGRADE 1581

1. DEPARTMENT DISCUSSED CONTENTS REF A WITH PAN AM ATTOR-
NEY WHO CONTENTS MARCH 28, 1975 LETTER CONTAINED IN REF D
EXTENDS 1963 OPERATING PERMIT WITHOUT AMENDMENT. PARA 1
OF MARCH 28 LETTER SAYS YUGOSLAV CIVAIR AUTHORITIES
DECIDED: QUOTE: TO EXTEND THE VALIDITY OF THE OPERATING
PERMIT ISSUED TO PAN AMERICAN WORLD AIRWAYS UNDER
NO. 06-489/1 OF APRIL 5, 1963 AND LAST RENEWED UNTIL
MAY 1, 1975 BY LETTER NO. 06-1318/1 OF MAY 18, 1973.

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PAGE 02 STATE 236986

END QUOTE. NO MENTION IS MADE IN PARA 1 NOR IN SUBSEQUENT

PARAS THAT 1963 PERMIT WAS AMENDED OR ABRIDGED. FURTHER-MORE, AS FOLLOWING CHRONOLOGY DEVELOPED FROM PAN AM FILES SHOWS, 1963 PERMIT WAS NOT ABRIDGED PRIOR TO RENEWAL BY MARCH 28, 1975 LETTER.

STEP 1 - APRIL 5, 1963, PERMIT NO. 06-489/1 ISSUED TO PAN AM.

STEP 2 - MARCH 10, 1965, ABOVE PERMIT EXTENDED FOR TWO YEARS WITHOUT AMENDMENT.

STEP 3 - APRIL 17, 1967, PERMIT EXTENDED FOR TWO YEARS WITHOUT AMENDMENT.

STEP 4 - APRIL 15, 1969, PERMIT EXTENDED TWO YEARS WITHOUT AMENDMENT.

STEP 5 - MARCH 1, 1971, EXTENDED TWO YEARS AND AMENDED TO ADD SHANNON AND GLASGOW AS INTERMEDIATES BETWEEN NYC AND LONDON AND DUSSELDORF AND STUTTGART AS INTERMEDIATES FOR BELGRADE AND ISTANBUL.

STEP 6 - MAY 18, 1973, EXTENDED TWO YEARS AND AMENDED TO ADD BRUSSELS AS INTERMEDIATE BETWEEN LONDON AND FRANKFURT.

2. PAN AM ARGUES PARA 3 OF MARCH 28, 1975 LETTER, WHICH STATES: QUOTE: THIS PERMIT GRANTS TO PAN AMERICAN WORLD AIRWAYS THE RIGHT TO OPERATE THE FOLLOWING SERVICES; NEW YORK-LONDON-DUSSELDORF-BELGRADE, ETC. END QUOTE, REFERS TO ACTUAL FLIGHTS AND SCHEDULE FLOWN AT THAT TIME AND DOES NOT RPT NOT CHANGE THE 1963 PERMIT AS AMENDED AND EXTENDED BY STEPS 1 THROUGH 6 ABOVE. PARA 3 WAS NEVER INTERPRETED AS AMENDING THE 1963 PERMIT OR AS DIMINISHING PAN AM'S RIGHTS UNDER THE PERMIT AND HENCE WAS NEVER OBJECTED TO.

3. IN TRACING THE DOCUMENTATION BACK TO THE ORIGINAL 1963 PERMIT, THE DEPARTMENT BELIEVES PAST EXTENSIONS AND AMENDMENTS DID NOT ERODE RIGHTS EXTENDED TO PAN AM IN LIMITED OFFICIAL USE

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PAGE 03 STATE 236986

ORIGINAL PERMIT. HOWEVER, JULY 27, 1976 DOCUMENT, NO. 04/1-508/1 IS A NEW PERMIT CERTIFICATE AND DIFFER DIFFERS SUBSTANTIALLY FROM THE 1963 PERMIT AS EXTENDED AND AMENDED. SINCE DOCUMENT NO. 04/1-508/1 IS NOT A RENEWAL OF THE EXISTING PAN AM PERMIT AS REQUIRED BY THE U.S.-YUGOSLAV AGREEMENT OF MAY 14, 1976, IT SHOULD NOT BE ACCEPTED.

4. EMBASSY IS AWARE THAT CIVIL AIR NEGOTIATIONS WITH YUGOSLAVIA ARE PENDING BEFORE MARCH 31, 1977. IT IS OUR VIEW CONCURRED IN BY PAN AM THAT ACCEPTANCE OF THE JULY 27, 1976 PERMIT NO. 04/1-508/1 COULD WEAKEN OUR NEGOTIATING POSITION. ALTHOUGH SOME CONFUSION EXISTED PREVIOUSLY, FURTHER INFORMATION PROVIDED BY PAN AM AND DEPARTMENT'S EXPLANATION AND CHRONOLOGY PROVIDED ABOVE INDICATE IT APPROPRIATE FOR EMBASSY TO PURSUE

POINTS RAISED PARA 3 REFTEL C WITH YUGOSLAV GOVERNMENT TO INSURE PAN AM PERMIT RENEWED AS REQUIRED IN MAY 14, 1976 INTERIM AGREEMENT. KISSINGER

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